

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MELVIN NOLAN,)	
)	
Movant,)	
)	
v.)	No. 4:06-CV-7-RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon Melvin Nolan's "motion for writ of habeas corpus and permission to proceed in forma pauperis" [Doc. #1], which this Court will liberally construe as a 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence; and movant's "declaration in support of request to proceed in forma pauperis" [Doc. #2], which this Court will liberally construe as a motion to proceed in forma pauperis.

Movant is an inmate at the Federal Correctional Institution in Cumberland, Maryland. In his § 2255 motion, he requests numerous "documents contained in the court's files" and states that "[u]pon receipt . . . [he] will launch an investigation into all matters relating to the judgment and sentencing of this Court." Movant further states that "[u]pon conclusion of said investigation, [he] will submit the actual motion § 2255 and the reasons set forth why it should be granted."

Movant's motion for § 2255 habeas corpus relief has not

been filed on a court-provided form and does not comply with Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts. Both this Court's Local Rule 2.06(A) and Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts give this Court the authority to order movant to amend his motion on a court-provided form. Movant is advised that the amended § 2255 motion will supercede his original motion for writ of habeas corpus [Doc. #1].¹ Moreover, if movant seeks to obtain documents contained in this Court's files, he must file a separate motion, specifically identifying the documents he seeks.

In accordance with the foregoing,

IT IS HEREBY ORDERED that movant's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall forward to movant the court-provided form (AO form 243) for filing a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody.

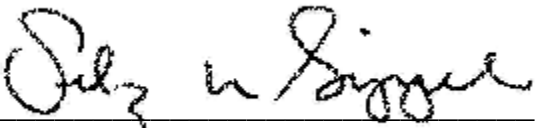
IT IS FURTHER ORDERED that movant shall complete and return his amended § 2255 motion within thirty (30) days from the date of this order. Movant shall include in said amended motion

¹The Court will order the Clerk of Court to forward to movant the court-provided form for filing a 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence by a person in federal custody.

any and all grounds for relief that he wishes to pursue and that are available to him under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that if movant fails to complete and return his amended § 2255 motion within thirty days, the Court will dismiss the instant action, without prejudice.

Dated this 30th day of January, 2006.


UNITED STATES DISTRICT JUDGE